

DA clears Ramsey family - "TOUCH DNA" TEST CITED AS SIGNIFICANT, POWERFUL EVIDENCE

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Armed with new DNA evidence that points to an unknown male as JonBenét Ramsey's killer, Boulder District Attorney Mary Lacy on Wednesday took the extraordinary step of publicly exonerating the child's parents and immediate family in her death.

In a letter hand-delivered to John Ramsey, Lacy said she is confident the DNA belongs to the killer.

"Significant new evidence ... convinces us that it is appropriate, given the circumstances of this case, to state that we do not consider your immediate family, including you, your wife, Patsy, and your son, Burke, to be under any suspicion in the commission of this crime," Lacy wrote.

Patsy Ramsey died in June 2006 after battling ovarian cancer for more than a decade.

The exoneration is an unusual move, particularly when no other suspect has been identified, observers said, but one that might aid any future prosecution.

Legal analysts have long said the Ramseys have been identified as suspects so widely and for so long that if anyone else is ever charged in the case, prosecutors would not only have to prove that person's guilt but also the Ramseys' innocence.

Trip DeMuth, a former Boulder prosecutor who worked for a time on the Ramsey case, said he doesn't know enough about the evidence to say whether Lacy is right to publicly exonerate the Ramseys.

But the better DNA evidence and public vindication might help strengthen a future case, said DeMuth, who lost the Boulder DA race to Lacy in 2000.

"It would just make the case against the true perpetrator even stronger," DeMuth said.

In addition, Lacy offered an apology to Ramsey.

"To the extent that we may have contributed in any way to the public perception that you might have been involved in this crime, I am deeply sorry," Lacy wrote.

"We intend in the future to treat you as the victims of this crime, with the sympathy due you because of the horrific loss you suffered."

Killed at Christmas

JonBenét was 6 and in kindergarten when her body was found in her parents' basement on the day after Christmas in 1996. She had been strangled, and her skull had been fractured.

In an interview with 9News, John Ramsey said he was "grateful for the acknowledgment that we are innocent."

But, he said, "the most important thing is now we have very, very solid evidence that could lead us to the killer."

Ramsey and his attorney, Hal Haddon, met with Lacy and several of her deputies at her office Wednesday morning.

It has long been known that DNA evidence recovered from JonBenét's underpants did not match samples taken from family members.

Now, using an emerging method known as "touch DNA" analysis, a private lab has determined that genetic material left on the waistband of long johns JonBenét was wearing when her body was found matches the DNA left in her underwear.

"Unexplained DNA on the victim of a crime is powerful evidence," Lacy wrote. "The match of male DNA on two separate items of clothing worn by the victim at the time of the murder makes it clear to us that an unknown male handled these items."

Whoever left that genetic material behind is probably the killer, Lacy said in her letter.

Her office declined to answer questions about the findings.

"Umbrella of suspicion"

Four months after JonBenét's murder, then-District Attorney Alex Hunter publicly acknowledged that her parents were suspects. "Obviously, the focus is on these people," Hunter said of John and Patsy Ramsey. "You can call them what you want to."

Soon afterward, Boulder police Cmdr. Mark Beckner, who is now the city's police chief, coined the now-familiar phrase "under an umbrella of suspicion" to describe the couple.

From the beginning, Boulder police were under their own umbrella of suspicion - accused of having botched the investigation when officers searched the house but failed to find the child's body in the basement.

For six hours, police, the Ramseys and their friends filled the house, walking around, leaving trails of fingerprints and DNA in their wake, waiting for a kidnapper's phone call that never came.

In Wednesday's interview with 9News, John Ramsey recalled those hours as among the worst of the family's ordeal.

"I didn't know where she was," he said. "It was cold out, it was dark, and where is my child, my 6-year-old child."

It was Ramsey himself, and a family friend, who found her body on a second search of the basement. A cord, with a broken paintbrush handle at the end, was tied around her neck. Her hands were also bound, and police suspect she had been sexually assaulted, but her body had been wiped clean, destroying evidence.

Ramsey carried her upstairs, and a Boulder police detective covered the body with a blanket, possibly destroying crucial evidence.

Within months, the bizarre murder spawned networks of JonBenét junkies who posted pictures of her - most often in sequins and makeup, performing in a child beauty pageant - and spent untold hours on the Internet arguing over even the most mundane bits of evidence, theories and rumors related to the crime.

The complete autopsy report, even photos from the autopsy, are splashed across cyberspace.

But no piece of evidence, except the unidentified DNA, captured more attention and inspired more conjecture than the weird ransom note Patsy Ramsey told police she found at the bottom of the stairs in the family's rambling Tudor-style home.

The note, handwritten on a legal pad most likely from inside the home, claimed that JonBenét had been kidnapped by a "small foreign faction" and demanded \$118,000 in ransom.

The small and strange ransom amount was the exact amount that John Ramsey's Boulder company paid him as a bonus that year.

Handwriting analysis ruled out John Ramsey as the note's author but could not eliminate Patsy Ramsey.

After that, suspicion narrowed to Patsy Ramsey. A detective who worked on the investigation for a time wrote a book about the case in which he asserted that Patsy Ramsey killed JonBenét because the child had wet the bed.

Wednesday, John Ramsey speculated that people wanted to believe her parents killed JonBenét because "people want an answer to that horrendous a crime. It's hard for people to accept that someone would come into a home and murder a child. We were perhaps an answer."

Mary Lacy's exoneration clearly has not satisfied those who believe one or both of the Ramseys were involved in the murder. By late Wednesday, the numerous websites that continue to dissect the case were filled with posts expressing disgust and doubt about the findings. One even contains a countdown clock until Lacy's term of office expires and the Ramseys might be brought to justice.

Fake confession

Confidence in Lacy's handling of the case took a serious hit in 2006, when she had John Mark Karr flown from Thailand to Boulder after the former teacher confessed to killing JonBenét. Karr was held in the Boulder County Jail for days until investigators determined he had been nowhere near Boulder when JonBenét was killed.

Nevertheless, until her term expires, Lacy has said her office will continue to investigate the case and hope that new entries in a national DNA database might eventually identify a suspect.

In the 9News interview Wednesday, John Ramsey said that JonBenét's death had been "a near-mortal wound."

"She was the spark plug in our family, and the loss of that presence was just crushing."

Asked if he had any idea who the killer might be, Ramsey said no.

"I don't. I've always said I don't know anyone that evil."

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Scraping method for "touch DNA" testing

1 Material is scraped for possible presence of DNA where there are no obvious stains or signs of DNA.

2 The scrapings are examined by a lab and tested for the presence of DNA.

3 that If DNA can be present matched, a profile to other is DNA developed profiles. In the JonBenét case, the DNA profile from her long johns matched previous DNA evidence taken from her clothes.

Unanswered questions

- Were any objects other than JonBenét's long johns tested using the new "touch DNA" method?
- If someone were able to leave a genetic marker on JonBenét's long johns simply by touching them, why would that same marker not appear on the tape that covered her mouth or the stick that had to be grabbed hard and

twisted to kill her?

- Were the long johns ever stored with the underpants, and could the newly discovered DNA be the result of a simple transfer?
- Are there other possible “innocent explanations” for how DNA from the same person could be on two items of JonBenét’s clothing?

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